

IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Darrell Garcia,

Plaintiff,

v.

Patterson-UTI Drilling,

Defendant.

**REPORT AND
RECOMMENDATION TO
DISMISS**

Case No. 2:11-cv-742DB

District Judge: Dee Benson

This case was referred to the magistrate judge to conduct an initial pretrial conference under [DUCivR72-1](#). Such a conference was scheduled for January 11, 2012 at 10:30 a.m. and pro se Plaintiff, Darrell Garcia failed to appear.¹ The court therefore issued an order to show cause (docket #29) why the case should not be dismissed. Mr. Darrell Garcia was specifically ordered to inform the Court of the status of the case and intentions to proceed.²

Mr. Darrell Garcia failed to respond to the Order to Show Cause that was issued on January 11, 2012.

Based on the failure of Mr. Garcia to appear at hearings or participate in developing a schedule in the case, and failure to respond to the order to show cause:

RECOMMENDATION

IT IS RECOMMENDED THAT the case be dismissed without prejudice.

¹ Docket no. 28, filed January 11, 2012.

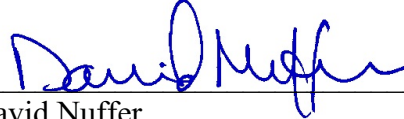
² Docket no. 29, filed January 11, 2012.

NOTICE TO PARTIES

Within 14 days after being served with a copy of this recommended disposition, a party may serve and file specific, written objections.³ A party may respond to another party's objections within 14 days after being served with a copy thereof. The rules provide that the district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject or modify the recommended decision, receive further evidence, or re-commit the matter to the magistrate judge with instructions. Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

Dated this 13th day of February, 2012.

BY THE COURT



David Nuffer
U.S. Magistrate Judge

³ See [28 U.S.C. § 636\(b\)\(1\)\(B\)](#).